

REMARKS

By the present amendment, claims 4, 6, 8, 10 and 12 are pending in the application.

Claim Amendments

Claims 4, 6, 8 & 10

Support for --prepared by butt-welding high strength steel plates over 50 mm in thickness-- may be found, e.g., in original, now canceled, dependent claim 11.

Claim 12

Support for new dependent claim 12 may be found, e.g., in original, now canceled, dependent claim 11.

§102/§103

Claims 1 and 2 were rejected under 35 U.S.C. §102 (a) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Japan No. 2003-328080 to Terada et al.

Claims 3 to 6 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japan No. 2003-328080 to Terada et al. in view of Japan No. 03-153828 to Shigeru.

Claims 7 to 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japan No. 2003-328080 to Terada et al. in view of Japan No. 03-153828 to Shigeru and further in view of Japan No. 2002-161329 to Hasegawa et al.

These rejections are respectfully traversed.

Foreign Priority

The present application claims foreign priority under 35 U.S.C. §119 from Japanese Patent Application No. 2003-362122 filed October 22, 2003 (hereinafter “priority JP ‘122”).

The Office Action Summary acknowledges the claim for foreign priority under 35 U.S.C. §119 and acknowledges receipt of certified copies of the priority documents.

Cited Japan No. 2003-328080 to Terada et al. (hereinafter “JP ‘080”) was published November 19, 2003, i.e., after the October 22, 2003 filing date of priority JP ‘122.

Enclosed is an English language translation, under Declaration, of priority Japanese Patent Application No. 2003-362122 filed October 22, 2003.

Note that amended claim 4 of the present amendment corresponds to a combination of claims 1 and 5 of priority JP ‘122. See pages 1 and 2 of the English translation.

Note that amended claim 6 of the present amendment corresponds to a combination of claims 2 and 5 of priority JP ‘122.

Note that amended claim 8 of the present amendment corresponds to a combination of claims 3 and 5 of priority JP ‘122.

Note that amended claim 10 of the present amendment corresponds to a combination of claims 4 and 5 of priority JP ‘122.

In view of the submissions of the English translation, under Declaration, of priority Japanese Patent Application No. 2003-362112 filed October 22, 2003, it is respectfully requested that cited Japan No. 2003-328080 published November 19, 2003 be withdrawn as a prior art reference.

It is submitted that JP ‘080 is not a prior art reference.

Patentability

Claims 1 & 2

Claims 1 and 2 have been canceled by the present amendment. Therefore, the rejection of claims 1 and 2 is now moot.

Claims 3 to 6 & 11

JP '080 is not a prior art reference. Claims 3, 5 and 11 have been canceled by the present amendment.

Japan No. 3-153828 (JP '828)

The technology disclosed in JP '828 relates to an improvement of creep strength at a welded joint by welding a martensitic steel and a ferrite-martensite steel at a specific bond line angle and a specific softened region width and further carrying out heat treatment for obtaining the required hardness. The JP '828 clearly defines that the specific softened region width at the welded portion and after heat treatment is the width of the heat-affected zone (HAZ). This means that there is no description about the weld metal. In addition, JP '828 does not disclose or suggest a characteristic feature of the present invention of (a) the hardness of the weld metal is not less than 70% and not more than 110% of the hardness of the base metal.

Therefore, JP '828 is different from the present invention.

Claims 7 to 10

JP '080 is not a prior art reference. JP '828 have been previously discussed. Claims 7 and 9 have been canceled by the present amendment.

Japan No. 2002-161329 (“JP ‘329”)

The technology disclosed in JP ‘329 relates to a high tensile strength steel superior in fracture strength resistance at the welded portion, which enhances safety against a fracture by increasing an energy absorption in a heat-affected zone of the weld during a migration process from ductile fracture generation to a brittle fracture through propagation.

However, JP ‘329 patent does not disclose or suggest a characteristic feature of the present invention of (a) the hardness of the weld metal is not less than 70% and not more than 110% of the hardness of the base metal.

Therefore, JP ‘329 is different from the present invention.

Summary

It is submitted that amended independent claims 4, 6, 8 and 10, and claim 12 dependent thereon, are patentable.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, and the English translation, under Declaration, of priority Japanese Patent Application No. 2003-362122 filed October 22, 2003, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

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